

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MC ALLEN DIVISION

UNITED STATES OF AMERICA,)	CASE NO: 7:16-CR-00876-2
)	
Plaintiff,)	CRIMINAL
)	
vs.)	McAllen, Texas
)	
ISMAEL LECHUGA,)	Tuesday, April 16, 2019
)	
Defendant.)	(9:48 a.m. to 9:53 a.m.)

SENTENCING

BEFORE THE HONORABLE RANDY CRANE,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For Plaintiff:	PATRICIA PROFIT, ESQ. Assistant United States Attorney 1701 W. Business Hwy. 83 Suite 600 McAllen, TX 78501
For Defendant:	CRISPIN C.J. QUINTANILLA, III, ESQ. 5526 N. 10th McAllen, TX 78504
Court Interpreter:	Elena Medrano
Court Recorder [ECRO]:	Rick Rodriguez
Transcribed By:	Exceptional Reporting Services, Inc. P.O. Box 18668 Corpus Christi, Texas 78480-8668 361 949-2988

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1 McAllen, Texas; Tuesday, April 16, 2019; 9:48 a.m.

2 (Call to order)

3 **THE COURT:** Let's see, next is 16-CR-876-2, *United*
4 *States of America versus Ismael Lechuga.*

5 **MS. PROFIT:** The Government is present, your Honor.

6 **MR. QUINTANILLA:** Good morning, your Honor.

7 **THE COURT:** So it appears nobody's really ready on
8 this case. Probation office isn't ready because they haven't
9 gotten information that they were expecting from law
10 enforcement on this most recent issue that's come up so they
11 haven't had an opportunity to consider revising the Presentence
12 Report; you have some discovery that you want to keep doing;
13 and now the Government's not ready either. I'm not really
14 sure --

15 **MS. PROFIT:** The Government is -- well, certainly
16 we'd like an opportunity to respond to the motions that have
17 been filed with respect to the variance. And the Government
18 also has an issue with respect to whether this Defendant is
19 eligible for acceptance of responsibility --

20 **THE COURT:** Right.

21 **MS. PROFIT:** -- and is looking into that, has done
22 some research into that pursuant to the plea agreement and the
23 sentencing guidelines. So the Government would like to brief
24 that for the Court --

25 **THE COURT:** So you --

1 **MS. PROFIT:** -- or at least brief it for any further
2 appellate issues.

3 **THE COURT:** So you asked for two weeks to a month.

4 **MR. QUINTANILLA:** We did, your Honor.

5 **THE COURT:** Is that sufficient time for --

6 **MS. PROFIT:** That should be sufficient for the
7 Government, yes.

8 **THE COURT:** All right. And I'm assuming that's going
9 to be sufficient for everyone else as well. So let me just
10 look ahead here. All right, so we'll set it maybe the first
11 full week of May or maybe the second week. We have a trial on
12 that --

13 **MS. PROFIT:** I have a trial starting on April 29th,
14 your Honor.

15 **THE COURT:** This would be -- oh, this would be --

16 **MS. PROFIT:** In Judge Alvarez's court.

17 **THE COURT:** -- well after that. Okay, this would be
18 well after that. That's only two weeks from now. So I'm going
19 to set it more like four weeks from now. The week after that
20 is jury selection. I've already been told --

21 **MR. QUINTANILLA:** I'm free at the --

22 **THE COURT:** -- that there's a --

23 **MR. QUINTANILLA:** -- Court's convenience, your Honor.

24 **THE COURT:** All right, so we'll do it the week of the
25 13th. I just need to figure out a day that week that's

1 convenient, and we'll reset it for some time that week.

2 **MR. QUINTANILLA:** Will we also be set on that date
3 for the -- I know on Friday, your Honor, said putting an agent
4 on the stand just to for the record or (indiscernible)

5 **THE COURT:** Yeah, I'm not sure exactly how that will
6 proceed. Depends on how much information is in the -- that the
7 Presentence Report, if it's revised, includes. But I think you
8 wanted the opportunity, because this may affect his guideline
9 range and acceptance and maybe obstruction, there is some other
10 issues that this certainly raises, that you would want the
11 opportunity to examine somebody on it. Your position is that
12 this -- that the threat was sincere, not a hoax. The
13 Government's position, I believe, is that it was all a hoax.
14 And so I think you wanted to be able to make a record on that
15 and so --

16 **MR. QUINTANILLA:** For the purposes of the recusal,
17 right?

18 **THE COURT:** Right, and but also --

19 **MR. QUINTANILLA:** And run it at the same time.

20 **THE COURT:** Yeah, yeah, it affects a lot of things,
21 the recusal issue, although I think the law is really against
22 you on that, but that's also --

23 **MR. QUINTANILLA:** (Indiscernible) we talked about
24 (indiscernible)

25 **THE COURT:** Right, right. And but then I think you

1 need to have an opportunity if you would like it to make a
2 record on the things like -- if this does affect acceptance or
3 obstruction, you would want to make a record on that. I think
4 your client's position is that maybe he had nothing to do with
5 this other -- what these other two actors were doing. The
6 Government may believe differently. And I say "the
7 Government," I mean certain law enforcement. And so intend to
8 have somebody here who can speak on that. And so we'll just
9 take up all that at that time. And so I don't want to rule on
10 the recusal yet. I think I've raised kind of the issues that I
11 think are -- need to be considered. But when weighing those, I
12 think the law is fairly strong against your position given the
13 facts of this particular case. This isn't even a threat case.
14 Your client has never made a threat against the Court. And so
15 but I'll -- so we'll just wrap up all those loose ends at one
16 hearing then, second week of May.

17 **MR. QUINTANILLA:** May I have a real quick second
18 (indiscernible)

19 **THE COURT:** Sure, you may.

20 **(Pause)**

21 **MR. QUINTANILLA:** Thank you, your Honor.

22 **THE COURT:** It's probably going to be Wednesday, May
23 15. Every other day has gone at least a dozen sentencings
24 already. So probably Wednesday, May 15th, is when we'll do it.

25 All right, so we still have one more defendant to

1 sentence today. The flight was delayed, she'll be here in an
2 hour or so, so we'll -- I'll recess until then.

3 **MS. PROFIT:** Thank you.

4 **THE COURT:** All right, thank you all very much, you
5 all are excused at this time, we'll be in recess for about an
6 hour.

7 **MARSHAL:** All rise.

8 **(This proceeding was adjourned at 9:53 a.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



Signed

July 11, 2019

Dated

TONI HUDSON, TRANSCRIBER